

November 19, 2007

Honorable Victor Marrero
U.S. District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: UNITED STATES v. DERRICK SMIT; 07 Cr. 990 (VM)

Dear Judge Marrero:

I am CJA counsel to the defendant, Derrick Smit ("Smit").

I write to respectfully request leave to withdraw, and for the appointment of substitute CJA counsel, on the ground that I have accepted a senior legal position with the State of New York. That employment obligates me to divest myself of my pending docket.

If Your Honor wishes to schedule a conference, might I respectfully request that Your Honor's Deputy coordinate the date and time with me and with the Assistant. Alternatively, the Court may wish to refer this matter to the duty Magistrate Judge.

Thank you very much for your consideration.

Respectfully yours,

ROGER J. SCHWARZ

cc: Marshall Camp, Esq.
Assistant U.S. Attorney